

Yeas—12.

Atlee.	Morriss.
Goss.	Neal.
Gough.	Odell.
James.	Potter.
Lloyd.	Ross.
McGee.	Terrell.

Nays—17.

Davidson.	Kerr.
Dibrell.	Lewis.
Greer.	Linn.
Grinnan.	Miller.
Hanger.	Patterson.
Johnson.	Sebastian.
Stafford.	Yantis.
Turney.	Yett.
Wayland.	

Absent.

Burns. Stone.

By Senator Patterson:

Amend by inserting \$3.00 where the \$2.00 occurs in regard to head porter.

Adopted.

The resolution as amended was then, Adopted.

By Senator Greer:

Resolved, That Miss Emily Holcomb be retained as general stenographer and typewriter of the Senate, at a compensation of three dollars per day.

Senator McGee moved to table the resolution.

Lost by the following vote:

Yeas—6.

Goss.	Potter.
Lloyd.	Terrell.
McGee.	Yett.

Nays—23.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Dibrell.	Odell.
Greer.	Patterson.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Linn.	

Absent.

Gough. Stone.

The resolution was then adopted by the following vote:

Yeas—22.

Atlee.	Greer.
Burns.	Grinnan.
Davidson.	Hanger.
Dibrell.	Johnson.

Kerr.	Patterson.
Lewis.	Ross.
Linn.	Sebastian.
Miller.	Stafford.
Morriss.	Turney.
Neal.	Wayland.
Odell.	Yantis.

Nays—6.

Goss.	Potter.
Lloyd.	Terrell.
McGee.	Yett.

Absent.

Gough. Stone.
James.

By Senator Dibrell:

Resolved, That each Senator be provided with pen, ink and paper.

Adopted.

By Senator Potter:

Whereas, It is apparent to the Senate that one Engrossing Clerk will be wholly unable to perform all the work incident to said office, and

Whereas, It is important that the bills that reach engrossment be engrossed with accuracy and dispatch by men competent to do the same, therefore be it

Resolved, That the Senate hereby creates the office of Assistant Engrossing Clerk, which office shall be for the same term and the same salary as other offices of the Senate, and that J. K. P. Shirley be, and he is hereby appointed to said office of Assistant Engrossing Clerk.

Adopted.

ELECTION OF PRESIDENT PRO TEM.

The election of President pro tem being in order, Senator Lewis nominated Senator Stafford of Wood county, who was unanimously elected.

By Senator Ross:

Resolved, That two committees of three members each be appointed, one to notify the House and the other the Governor that the Senate has perfected its organization and is ready for business.

Adopted, and the Chair appointed:

COMMITTEE TO NOTIFY HOUSE.

Senators Ross, Johnson and Goss.

COMMITTEE TO NOTIFY GOVERNOR.

Senators Atlee, McGee and Miller.

On motion of Senator Hanger, the Senate adjourned to 10 a. m. to-morrow.

THIRD DAY.

Senate Chamber,
Austin, Tex., Thursday, Jan. 12, 1899.

Senate met pursuant to adjournment.
Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Burns.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Linn.	Yett.
Lloyd.	

Absent.

Atlee.	Patterson.
Odell.	Stone.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

APPOINTMENTS—COMMITTEE CLERKS.

The following committee clerks were appointed by incoming Lieutenant-Governor Browning:

Will J. Bullock of Wichita county.
F. B. Hughes of Hill county.

RESOLUTIONS.

By Senator Burns:

Whereas, It is apparent that one Enrolling Clerk cannot discharge all the labor necessary and incident to said office, and

Whereas, It is important that prompt enrollment of bills shall be had in order to facilitate and expediate the business of this body, therefore be it

Resolved, That the office of Assistant Enrolling Clerk, which office shall be held under the same terms and emoluments as other officers of the Senate, is hereby created, and that Miss Mary De Zavalla, one of the Daughters of the Republic, is hereby appointed and designated as Assistant Enrolling Clerk to the Twenty-sixth Senate.

Adopted.

By Senator Wayland:

Resolved, That the rooms set aside by the Twenty-fifth Senate for the use of the different committees be now set aside

to the same committees until otherwise ordered.

Adopted.

By Senator Gough:

Be it Resolved, That the Rules of the Senate of Twenty-fifth Legislature be adopted as the rules for the government of this body until new rules are adopted by the Senate.

Adopted.

By Senator Dibrell:

Resolved, That the Sergeant-at-Arms be empowered and instructed to rent as many typewriters as may be required and of such style, for the use of the clerks of the Senate, and that he rent such typewriters at a cost not to exceed three dollars per month.

By Senator Greer:

Amend by striking out price of three dollars per month and insert, "At the smallest cost possible to be approved by the Committee on Contingent Expenses."

Senator Dibrell accepted the amendment, and the resolution as amended was, Adopted.

By Senator Morriss:

Resolved, That when the Senate adjourns today that such adjournment be as a mark of respect to the memory of General W. H. Mabry, and those other gallant officers and men who laid down their lives for their country in the recent war with Spain; and also, as a mark of the respect and sympathy of this body, with the families of such deceased soldiers of Texas.

Adopted.

By Senator Dibrell:

Resolved, That the Senate subscribe for ten copies of a daily newspaper for each Senator, the Senators to select such papers as they desire; provided, such papers contain daily reports of the proceedings of this body. Such papers to cost not more than three cents per copy.

By Senator Yantis:

Amend by striking out the word "ten" and inserting the word "five."

Adopted by the following vote:

Yeas—17.

Burns.	Ross.
Davidson.	Sebastian.
James.	Stafford.
Johnson.	Terrell.
Kerr.	Turney.
Linn.	Wayland.
McGee.	Yantis.
Miller.	Yett.
Neal.	

Nays—5.

Dibrell.	Lloyd.
Grinnan.	Morriss.
Hanger.	

Absent.

Atlee.
Gross.Stone.
Patterson.

Absent—Excused.

Odell.

The resolution as amended was then,
Adopted.

INVITATION.

The following was sent by Senator Miller to the Secretary's desk and had read:

AUSTIN, TEX., January 11, 1899.

To the Knights of Pythias Members of the Senate of the Twenty-sixth Legislature.

DEAR SIRS AND BROTHERS: Mt. Bonnell Lodge No. 34, K. of P., extends to you a cordial invitation to attend installation ceremonies at Castle Hall Thursday, January 12th, 1899, at 7:30 p. m. Installation ceremonies will be conferred by our worthy and esteemed brother, Past Grand Chancellor T. S. Smith. In addition to installation ceremonies Rank of Esquire will be conferred.

Respectfully in F. C. B.,
COMMITTEE ON ARRANGEMENTS.

Castle Hall, Corner of 7th and Congress.

On motion of Senator Dibrell, the above invitation was accepted.

COMMITTEE REPORTS.

Senator Ross on part of committee appointed to notify the House of the Senate's readiness to proceed to business, reported that said duty had been performed.

Senator McGee on part of committee appointed to notify the Governor of the Senate's readiness for business, reported their duty performed.

EXCUSED.

On motion of Senator Johnson, Senator Odell was excused until Monday next on account of important business.

On motion of Senator Turney, the Senate took a recess till 11 a. m. today.

AFTER RECESS.

HOUSE MESSAGES.

A committee from the House appeared at the bar of the Senate and announced the House duly organized and ready for business.

(President pro tem Stafford in the chair.)

HOUSE OF REPRESENTATIVES.

Hon. Geo. T. Jester, Lieutenant-Governor of Texas.

I am directed by the House of Representatives to inform the Senate that the House has perfected its organization by the election of the following officers:

J. S. Sherrill, Speaker.
Lee J. Rountree, Chief Clerk.
Tip Jones, Sergeant at Arms.
W. H. Taylor, Ass't Sergeant at Arms.
Mack Logan, Reading Clerk.
C. M. Roberts, Ass't Reading Clerk.
Marshall Burney, Journal Clerk.
J. L. Robinson, Ass't Journal Clerk.
Jack Dies, Calendar Clerk.
J. E. McFarland, Engrossing Clerk.
S. P. Weisiger, Enrolling Clerk.
J. R. Dunlap, Door-Keeper.
A. W. Mitchell, Ass't Door-Keeper.
Mrs. S. M. Franklin, Postmaster.
Rev. J. W. Gatlin, Chaplain.

Respectfully submitted,
LEE J. ROUNTREE,
Chief Clerk House of Representatives

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,

AUSTIN, January 10th, 1899.

To the Senate and House of Representatives:

The Constitution provides that at the commencement of each session of the Legislature and at the close of his term of office the Governor shall by message give the Legislature information of the condition of the State, recommend such measures as he may deem expedient, and at the beginning of each regular session present estimates of the amount of money necessary to be raised by taxation for all purposes. In complying with this requirement, which will also afford an opportunity of reviewing the conduct of the State government for the past four years, it will be convenient and probably tend to clearness to present these subjects in this order: (1) laws enacted during that period, (2) matters of administration as contradistinguished from laws or closely associated with them, (3) estimates of necessary revenue for all purposes and (4) measures of legislation recommended.

Before entering upon this it is not inappropriate to say that coming direct from the people and anxious for their welfare you should be gratified to know that to the extent it may be affected by the operations of the State government the condition of the State is in the highest degree satisfactory, has greatly improved during the past four years, and the popular demand for legislation has

been met by the Legislature with such rare fidelity that there are no measures of commanding importance for your consideration, and those of lesser consequence are neither numerous nor difficult. So gratifying indeed is the general condition of State affairs that it should inspire congratulations and pride in all who are concerned for the public weal.

I.

LAWS ENACTED.

While they are beneficial, affecting sometimes special and sometimes local interests, it will serve no good purpose to refer to many laws passed during the last four years. Others of more general usefulness, while deserving special mention, need not be discussed or their operation stated. Among these, grouping them according to subjects, are those looking to the investment of foreign capital and development of our material resources; further regulating railway companies and establishing their liability in shipments; equalizing taxation and bringing other subjects under the taxing power; settling and quieting land titles; protection of live stock interests; relating to internal improvements; affecting society and the public peace; and many single laws of importance and general interest, such as the regulation of fidelity and surety companies, protection of game, protecting the proceeds of the sale of the homestead from garnishment, regulating the practice of dentistry, protecting depositors in banks, regulating practice in civil cases, publication of exhausted Supreme Court reports, and providing for the assessment for taxation of money, notes, bonds and other securities fraudulently sent out of the State on January first in order to escape taxation.

Other laws, because of their exceptional character or greater utility, merit more extended notice both as to their characteristics and operation, and to these your attention is now invited.

BATTLE FIELD OF SAN JACINTO.

It was worthy the descendants of heroes to provide for the purchase and dedication of the battle field of San Jacinto. Owning the Alamo, where the noblest sacrifice to liberty was offered, the State should also possess the battle ground on which our independence was subsequently won. Acting upon these patriotic sentiments, provision was made for the creation of a commission to acquire not exceeding two hundred and fifty acres of the property, and in the event no agreement could be reached with the owners, to condemn it for the use of the

State before the county judge of Harris County where the property is situated. The sum of ten thousand dollars was appropriated and the commissioners, whether they acted by agreement with the owners or through condemnation proceedings, were limited to twenty-five dollars per acre. This, upon careful inquiry, was considered a price at which the land could certainly be secured, and the balance of the appropriation was to be used for the payment of expenses of the commission and enclosing and improving the land. The commission provided for was duly appointed, its chairman being James M. Hill, who participated in the battle and is yet spared to share the pride of millions in the growth of the State his valor helped to found. This commission labored with patriotic zeal, but has only been able to acquire 67.45 acres, which was done by agreement at the price of twenty-five dollars per acre. Failing to secure the balance desired by negotiation the commission undertook to condemn it under the terms of the act, but these proceedings were unsuccessful, the special commissioners in one instance finding the value of the land to be \$37.50 per acre and the owner insisting that it was reasonably worth \$101 per acre. It is the opinion of the commission, and careful investigation leads me to concur in that view, that the land is not reasonably worth exceeding twenty-five dollars per acre for the purposes desired. Prior to the passage of the law it was given in for taxes at about nine dollars per acre. It is not particularly fertile land, and the improvements are not of much value. Lands in that general section of the State, suitable not only for corn and cotton but also for cane, have recently been offered to the State at prices ranging from five to fifteen dollars per acre. If it be admitted that this land is worth fifteen dollars per acre for the ordinary purposes for which it can be used, the additional ten dollars per acre should meet any sentimental value attached to it that can be bought. It cannot be expected that the State shall pay the full historic value, for that is above money and above price, and consequently what should be paid on this account should correspond in some degree with the market value. There is a middle ground it seems to me on which the acquisition should be made. The State should not seek ownership of the property in any but a broad and generous spirit, nor has she done so, and on the other hand none should be permitted to deal with her glorious memories on avaricious and sordid lines. The act has expired by limitation,

but the commission believes that conditions are now such that if it be substantially re-enacted the property can be secured on terms not exceeding twenty-five dollars per acre.

THE CONFEDERATE HOME.

Sentiments of gratitude and patriotism like those which would preserve and beautify the consecrated places of the revolution actuated the Legislature in establishing the Confederate Home upon a safe and permanent basis. No State can remain free or perpetuate her institutions that does not honor and cherish her defenders. The Confederate soldier is immortal, and through all the years of the South the gray will be her badge of glory. The Home to which the disabled survivors of the mighty struggle of the Confederacy can go without loss of pride, is the highest expression of the affection of a great people for those who upheld their cause and created their heroic age. Previous to 1895, this institution was maintained by fees paid to certain State officials by persons and corporations, and consequently its support was precarious and uncertain. It is now placed on the same grade with other institutions, and sustained by direct taxation. Not only has the change made the support of the Home more certain and stable, but there has been marked enlargement of its benefits. New buildings have been erected, many improvements made, and the number of inmates has increased from 150 in 1894 to 242 the present year. The State should deal liberally with these old heroes, and as recommended in previous messages the appropriation asked by the management should be granted freely and generously, so that finally all who desire and are entitled to do so may enjoy the advantages and comforts of the Home.

PRIZE FIGHTING.

No greater contribution to good government has been made by a State in this era than that which on an occasion which attracted national attention expelled pugilism from our borders and made it infamous. In itself brutal and demoralizing it was not only proposed to offend the moral sense of the people and leave a degrading influence, but proscribed and banished from all enlightened States it was proposed in defiance of law to distinguish us in shame by offering here a surpassing insult to public decency and making Texas the asylum of a retreating barbarism. Already defamed, the good name of the State was to be measured conspicuously before the world. The strength of our laws and

the integrity of our civilization were at issue. That this insolent undertaking might succeed slander ran riot, character was ruthlessly assailed and official motives basely impugned. Whatever the wrong and the injury in this to those charged with public duties, some compensation came in the memorable victory for social order and the splendid answer of the people to the appeal from ruffianism to the gentility and morality of the State.

ANTI-TRUST LAW.

The evils of trusts and conspiracies against the freedom of trade are thoroughly established. By the act of the Legislature approved March 30th, 1889, these combinations were defined and their suppression provided for. The constitutionality of this statute was continuously questioned and several times legally attacked by corporations, chiefly because of the exemption from its operation of live stock and agricultural products while in the hands of the producer or raiser. The Supreme Court of this State in an action brought by the Attorney-General decided that the act was constitutional notwithstanding this provision, but it also held that it did not prohibit the formation of combinations by fire insurance companies. As the trust formed by fire insurance companies, and which is now in operation, is in the highest degree detrimental to public interests the act approved April 30th, 1895, was passed expressly denouncing and prohibiting such conspiracies. The authorities were thus provided with a measure with which trade conspiracies could be prevented or destroyed, but, as has previously occurred, an obscure Federal district judge was brought into the State, this time from Florida, who held the law unconstitutional and void, contrary to the opinion of our Supreme Court. It cannot be said that judicial integrity, courage and learning are exclusively confined to the Federal courts, and it is therefore significant that throughout the Union as a general rule corporations turn to the Federal judiciary for relief from laws passed to curb their exactions and rapacity.

An exception to this, at once rare and gratifying, is found in Texas, where the present Federal district judges are not sought by corporations for such purposes and enjoy to a marked degree the respect, the confidence and the friendship of their neighbors and fellow citizens. The case in which this statute was held to be repugnant to the Constitution is now pending in the Supreme Court of the United States, and several prosecutions

under it, as well as its general enforcement, are necessarily held in abeyance until the question is determined.

LABOR LAWS.

The present administration takes special pride in the enactment of several important statutes in the interest and for the protection of labor. A general voluntary arbitration act was passed, which no doubt has had some effect in preventing disagreement between employer and employee, and been the means of adjusting amicably some that have arisen. By another act workmen were protected in their labels, trademarks, designs, and forms of advertising. It has also been provided that where personal injuries are received by workmen, not resulting in death, the right to damages shall survive to their wives and children, and is not lost by subsequent death from other causes as formerly. So, also, the benefit of the mechanics lien has been extended to clerks, accountants, book-keepers, artisans, craftsmen, factory operatives, servants, quarrymen, farm hands and common laborers. But the most important of these measures is the fellow servant law, which is intended to give just protection to railway employees against the negligence of such corporations. The legal doctrine of fellow servants is that a person engaged in service may not recover damages of his employer for personal injuries, nor his heirs if death results, if the cause of the injury or death is the negligence of a fellow servant, and under it corporations and other employers escaped liability. The act under consideration, while not in my judgment sufficiently radical, for it appears to me that the whole principle should be expressly abrogated, works an important change in the law and does justice to a large and deserving portion of our population. It provides in effect that persons who are engaged in railway service in the same grade of employment and are doing the same character of work or service, and are working together at the same time and place and at the same piece of work and to a common purpose, are fellow servants. All others are not fellow servants, and in case of injury or death damages may be recovered though the injury or death resulted from the negligence of a fellow employee.

DELINQUENT TAX LAW.

From 1873 to 1893, inclusive, unpaid taxes, including poll, school and general ad valorem, aggregated \$2,052,765, almost enough to pay the general expenses

of the State for one year. Of this sum \$726,566 was school and general ad valorem taxes and with efficient laws and officials most of it should have been collected. It shows that a large number of people evade payment of their share of the revenue necessary to conduct the government, which operates to cast an additional and unjust burden upon those who pay their taxes. The failure to collect this delinquent tax was mainly due to inadequate collection laws and agencies, and these were sought to be remedied by acts passed in 1895 and 1897. The beneficial operation of these statutes will strikingly appear from the fact that while the total amount collected in 1894 in redemption of property sold for taxes was \$29,475, this collection steadily increased under the new laws and reached the sum of \$209,279 in 1898. With these laws vigorously enforced the total school and general tax still delinquent since 1885, amounting to \$824,814, should be collected and the annual delinquent list practically disappear. Not until this is done will taxation be equal and uniform as dictated by justice and required by the Constitution.

MOB VIOLENCE.

The popular statement that mob violence is the resumption of original sovereignty by the people is only another name for anarchy. In the main, criminal assaults upon females have given rise to it in this State, but while the chivalric sentiment which provoked these outbursts is appreciated they are indefensible, and will, it is believed, ultimately prove disastrous to government. Abstractly considered mob violence questions the capacity of the people to govern themselves and is an arraignment of our civilization. Not only this, it is wholly unnecessary, for there never was and never will be a real assault which will not be legally redressed with the death penalty, and the gallows, the cold and solemn and awful reparation of the law, is far more potent in the suppression of crime than the quick and fierce vengeance of the mob. But greater perhaps than the abstract wrong, greater than the want of necessity for it, will be the vicious consequences in other directions, the contempt it will inspire for all legal restraint. Already mobs are beginning to redress other grievances than assaults, and unless the evil is arrested the tone and strength of our institutions will be impaired. The laws passed in 1897 on this subject were drawn on two broad lines, the immediate and speedy trial of all cases of assault upon females and the removal from office of officers who under

any circumstances permit prisoners to be taken from their custody and executed. Formerly it was urged with some plausibility in extenuation of mobs that they were the outgrowth of the delay of the law, but this is removed by this statute, for indictment and trial are as speedy as practicable with judicial machinery. As the act has only been in effect about one year no distinct opinion based upon its operation can be safely expressed. Doubtless it has led to greater vigilance by peace officers and unusual efforts to protect prisoners. Only three instances have been observed since the statute became operative where persons were taken from legal custody and mobbed. In one of these the officer resigned, another is under investigation and the third is of such recent occurrence that no action has been taken.

LAND LAWS.

There can be no question of the wisdom and efficacy of the land laws enacted. As a great relief to the State, avoiding the necessity of countless suits to forfeit titles, as well as tending to force prompt payment of interest, office forfeitures of land sales made by the Commissioner of the General Land Office for non-payment of interest have been validated and that officer was authorized to forfeit all sales of land heretofore made by the State under any of the various acts of the Legislature, for non-payment of interest. The inestimable value of quiet titles in the progress and development of the State, especially where it may be accomplished without surrender of valuable public rights, was recognized in the validation of sales of detached and isolated land, the location of Confederate certificates and the location of railway certificates where the land has passed into the hands of actual settlers and *bona fide* purchasers. Improvement in the law regulating the sale and lease of school land and other public domain, while adhering to the policy of disposing of the land to actual settlers, has been conspicuous and the law admirably administered by the Commissioner. The law of 1895 reduced the price of pasture land to one dollar per acre, leases to three cents per acre and interest to three per cent. per annum. The act of 1897 among other things authorized reclassification and reduced the price of agricultural land from two dollars to one dollar and fifty cents per acre. The underlying policy of these statutes is to end State ownership of land as soon as practicable, which will promote the development of the western part of the State, put the land on the tax rolls and invest the fund for

the benefit of the schools. Prior to the passage of these laws purchasers and lessees were forfeiting their claims and defaulting in the payment of interest in extraordinary numbers, while since then forfeitures and defaults have greatly decreased and both sales and leases rapidly multiplied. For the year ending August 1st, 1895, the sales of school land amounted to 209,948 acres and leases to 1,712,301 acres, while for the year ending August 1st, 1896, the sales amounted to 1,179,647 acres and the leases to 5,126,967 acres. For the two years ending August 31st, 1896, the sales were 1,453,998 acres and leases 6,201,871 acres, and for the two years ending August 31st, 1898, the sales were 4,538,613 acres and leases 9,700,097 acres. The recommendation of the Commissioner of the General Land Office that lands which have been recovered by the State in legal actions aggregating 2,000,000 acres should be placed on the market by proper legislation should receive immediate and favorable attention.

CRIMINAL LAWS.

Important amendments to the Code of Criminal Procedure were made which should not fail to materially reduce expenditures and have a salutary effect upon the administration of public justice. Many cases were heretofore necessarily reversed by the Court of Criminal Appeals, thereby necessitating new trials and causing additional expense because the record failed to show affirmatively such things as proof of venue, that the accused pleaded to the indictment and that the jury were properly empaneled and sworn. By the new law these are presumed unless an issue is directly made upon them in the trial court. The disadvantage of the State in peremptory challenges in felony and capital cases has been remedied by equalizing them. The prolific cause of reversal of criminal cases contained in Article 723, Code of Criminal Procedure, has been removed so that hereafter it must appear that the error is calculated to injure the rights of defendant before the judgment is reversible. The Assistant Attorney-General advises me that in his opinion and that of the Court of Criminal Appeals this statute has greatly lessened the number of reversals.

FEE BILL.

The fee system in this State by which district, county and precinct officers are compensated for their services, has for years been justly a source of public complaint. This is particularly true of fees paid in felony cases, on account of the

enormous drain upon the State treasury. These had so grown that for the two years ending March 1st, 1897, \$1,030,000 was paid by the State as fees to sheriffs, clerks, and attorneys in felony cases and for expenses of attached witnesses or about one-fourth of the cost of the State government for that period. Complaint was also properly made of the heavy aggregate of fees, paid in part by the State and in part by litigants and others having business with the offices, which were received by officials in many of the counties. Quite often they greatly exceeded the salaries paid the judges of the highest courts and the chief executive officers of the State. Obviously the system did not operate upon the principle of reasonable return for services rendered, because frequently the offices were sources of comparative wealth. An individual with reference to his private affairs may pay what he pleases for services. It is not so with the State or any other public agency, for the employer, which may be the Legislature or an executive officer, is but a trustee for the people. The true principle upon which any fee or salary system in public agencies must rest is just compensation for the labor performed. By an act passed in 1895 fees in felony cases were reduced, but the act of 1897 is the principal and comprehensive measure which reduced fees. In its general features the act applies only to counties which cast more than 3000 votes, but in some particulars it operates upon all. With reference to persons having business in the offices or courts the reduction of fees is not uniform, but many are left unchanged, and only those deemed excessive are reduced. The reduction of fees paid sheriffs and clerks by litigants in civil cases will probably average twenty per cent. The Comptroller estimates that the reduction of fees paid sheriffs, clerks and attorneys by the State in felony cases for the past two years approximates \$175,000. As the law was not in operation until December 1st, 1897, the reduction the next two years should be greater. This statute, unmistakably demanded by public interests, was expressly and decisively endorsed by the people in the recent election, and any impairment of its provisions would be met with just condemnation.

LAWS REDUCING APPROPRIATIONS.

Never before in the history of the State has there been such marked reduction of appropriations and expenses. It has been accomplished by administrative methods, independent laws and the general appropriation bills. Without de-

ducting amounts which are not properly chargeable to the operations of the government the reduction in appropriations for the past four years as compared with the preceding four years aggregates \$1,328,000, and the total actual reduction of expenditures will exceed \$1,000,000.

THE TEXT-BOOK LAW.

For many years great discontent has existed in this State with the method of furnishing primary text-books for children who attend the public free schools, the gravamen of the complaint being that too frequent changes in the books were made, which added to the expense, and that original prices were exorbitant. In the light of experience both of these charges seem to be true. It is said that publishers often effected changes in the books unnecessarily through financial arrangements with school trustees and teachers and kept prices high by means of illegal combinations and trusts. Whatever the whole truth may be it is certain that in many cases teachers act as agents of publishers of school books, either during the school term or in vacation, and there are circumstances tending to the conclusion that prices have been maintained through some character of agreement, understanding or method of business between the publishers. To remedy this injustice to the public the last Legislature passed a Uniform Text-Book Law. The more general and important provisions are that the Governor, Comptroller, Secretary of State, Attorney-General, Superintendent of Public Instruction and President of the Sam Houston Normal Institute constitute the State Text-Book Board; this Board is authorized and required to appoint a text-book commission of five members composed of teachers or city or county superintendents; bids are to be received by the Board, accompanied by samples of the books, from publishers for furnishing books to the school children for a period of not less than five years, including spelling, reading, English language lessons and grammar, geography, arithmetic, the elements of physiology and hygiene, history of the United States, history of the State of Texas and a graded system of writing books; the books are to be examined by the commission as to merit, irrespective of price, taking into consideration chiefly the internal merits or subject matter of the books, but having proper regard also to the material and mechanical qualities thereof; the commission is to report a classified list of said books to the Board, arranged in the order of recommendation; and the board is to consider the re-

port of the commission together with the bids, and adopt books to which the commission gives its first recommendation, unless other books on the same subject coming later on said list are offered at lower prices, taking into consideration subject matter, material, style, binding and mechanical excellence, in which case the Board may exercise a discretion and make an adoption of books in view of all the circumstances. Any county, city or town which has assumed control of its schools and prior to April 1st, 1897, adopted a uniform system of text-books is not required to comply with the act prior to September 1st, 1899, or until contracts previously entered into have expired, and the act does not apply to cities of 10,000 inhabitants or over unless by their city council or school board they adopt the provisions of the act. Preference is expressly given by the act to Texas authors or publishers, price and merit being equal; the books are to be printed in the English language, publishers are required to exchange new books for old ones in use, and provision is made against partisanship in histories. The Commission was duly appointed and made its report, the board made an adoption, contracts for all books required by the act were entered into and the books have been in use since September 1st, 1898. The books adopted by the Board were not, in many cases, those recommended by the Commission. Frequently the grading of different books by the Commission varied but slightly, and to what these differences were due, whether, for instance, to the fact that some member of the Commission marked a book specially high or low, thus distinctly affecting the general average, the Board did not know because the Commission declined upon request, to furnish the individual grading of its members. Something is also necessarily due to difference of opinion which might naturally be expected to arise between thoughtful and conscientious men on the merits of the books. But the largely controlling consideration accounting for the adoption of books other than those recommended is the fact that the statute expressly required the Commission to consider them irrespective of price, while the Board was enjoined to give due weight to that. For several reasons the law appears to me to be one of the most useful and beneficial ever enacted in the State. It prevents a change of books within five years and thus saves the cost of new books to one or more children in the same family. Under the contracts entered into books are now purchased at forty per cent. below previous prices and the aggregate reduction of this expense to the people

of the State is not less than \$250,000 per annum. Nor is this uniformity and reduction secured at the sacrifice of merit. It is believed that all books selected are first class. Some of them were in general use in the State before the passage of the law, thus adding the choice of the public to that of the Board, and the others are equally as good, all things considered, as those previously in use. Emphatically and significantly endorsed by the people after the adoption of the books by the Board, and their merits discussed, this statute should not only be preserved, but its benefits extended. It will give it strength and arrest some of the machinations intended to impair its usefulness if it be made a criminal offense for any teacher or school trustee to accept employment by publishers of school books. No city of 10,000 inhabitants or over, has yet adopted the provisions of the act. As a consequence not only do the hurtful conditions referred to still exist there, but inasmuch as opposition publishers as a general rule supply those cities with school books, they are using the cities as bases of operation in their war on the law. These publishers and other elements and forces are endeavoring to prevent its successful enforcement, to undermine and finally destroy it, and it is worthy of your special consideration how far this exemption of cities will mischievously affect it elsewhere. Without reference to this it is difficult to perceive why the children of the cities should be denied the advantages offered by the act. On the contrary the preponderance of public benefit and sound reason, in my judgment, suggest that the exemption be removed and the law made applicable and operative throughout the State.

II.

MATTERS OF ADMINISTRATION.

In matters of administration, as in the enactment of laws, public interests have been faithfully guarded and signally advanced.

The laws have been enforced with vigilance and fidelity. There has been appreciable and material increase in immigration. Notwithstanding wide-spread industrial depression elsewhere, taxable values have been maintained. Foreign money seeking investment here is of such volume that much of our own funds is idle. Manufacturing establishments are being organized and successfully conducted. Four hundred miles of additional railroad have been constructed and practically all railway property is clear of receivers.

Progress in the public institutions and agencies as well as in the fiscal affairs of the State is equally satisfactory.

CHARITABLE INSTITUTIONS.

The charitable institutions of the State are the colored and white Deaf and Dumb Institutes, the Blind Institute, the Orphans Home, and the three Insane Asylums.

The main building of the colored Institute, erected during the administration of Governor Ross, became unsafe for occupancy and was torn down and entirely rebuilt during the present term, at a cost of twelve thousand dollars. The average attendance for the past four years, which was probably lessened by the suspension of exercises during the construction of the new building, was 77 against 81 the previous four years, and the average cost of maintenance per capita per annum was \$197 against \$208.

At the white Deaf and Dumb Institute the average attendance the past four years was 256 against 215 for the previous four years, and the average cost of maintenance \$189 against \$188. The increased attendance in the Institute necessitated unusual repairs, for which the authorities were forced to use funds for maintenance, else the average cost would appear materially lower.

In the Blind Institute the average attendance for each period was 165, and the average per capita cost of maintenance per annum \$249 the past four years against \$312 for the preceding four years. In estimating the per capita cost for this Institution every character of expense is computed, including improvements, which were greater during the latter period.

Valuable improvements and additions to the Orphans Home were made, consisting of a dining-hall, school building and hospital, at a total cost of \$18,500. The number of orphan children cared for in this institution is 350 for 1898, as compared with 147 in 1894. The annual per capita cost of maintenance was reduced from \$133 to \$91 for the same period.

The average number of patients in the San Antonio Insane Asylum increased from 209 in 1894 to 272 in 1898, and the average per capita cost of maintenance per annum was reduced from \$178 to \$158. The foundation of the main building at this institution, which was constructed in 1890, was found to be in such condition as to render immediate action necessary, and it was repaired at a cost of \$1750 out of the fund for executing the laws. An additional wing is about completed, costing \$75,000, which will accommodate 350 patients.

The number of patients at the Terrell Asylum has increased from 1022 in 1894, to 1220 in 1898, and the cost of maintenance has been reduced from \$165 to \$129. Permanent improvements costing \$40,000 were made, consisting of a male hospital and an associated dining-hall.

The number of patients at the Austin Asylum increased from 653 in 1894 to 722 in 1898, and the average cost of maintenance was reduced from \$168 to \$140. No deduction is made in averaging this cost for farm and garden products, as is done with the Terrell Asylum. If this deduction were not made the cost of maintenance at Terrell for 1898, would be about \$135 per capita per annum at Austin \$140, and at San Antonio \$158, maintaining 1220, 722, and 272 patients respectively. This shows that with increasing numbers, other things being equal, per capita cost can be reduced, and clearly demonstrates that the wise policy for the State to pursue for many years in making further provision for the insane, is to add to present institutions and not establish new ones, because with officers and administrative buildings already provided, the only additional cost would be the construction of dormitories and maintenance of the additional inmates. Many important and valuable permanent improvements, including an ice plant and natatorium, have recently been made at the Austin Asylum without extra appropriation.

Considering the three asylums it will be seen that provision has been made to care for 660 additional insane patients. These great benevolent institutions, which reflect the character and generosity of the people, have been managed with exceptional ability upon broad lines of sympathy and humanity and with the view that the high purposes of their establishment may be attained.

PENAL INSTITUTIONS.

In the House of Correction and Reformatory the average number of persons was 179 in 1894, and 155 in 1898, which indicates that crimes punishable by confinement in this institution are decreasing. The average per capita cost of maintenance was \$100 in 1894, and \$103 in 1898.

For the past four years the average number of convicts in the penitentiaries was 4463, as compared with 3618 for the preceding four years, and the per capita cost of maintenance was about one dollar less for the former period. There has been a decided improvement in the care of convicts and the financial affairs of the penitentiaries under the present excellent and able management. Corporeal

punishment is less frequent and severe, the percentage of escapes and deaths has perceptibly decreased, the State now provides directly for the food and subsistence of leased convicts as well as those inside the walls, and reformatory features are made more prominent. Financially the penitentiaries are far more than self-sustaining. The present Financial Agent received in cash from his predecessor four years ago the sum of \$64,798.29. Besides entirely supporting the system with an increased number of convicts, without drawing on the appropriation out of the State treasury, there was a cash balance of \$134,878.74 on hand December 1st, 1898. The net increase including cash, farm products and permanent improvements, from October 31st, 1894, to October 31st, 1898, amounts to \$382,734.33. The large cash balance on hand renders it feasible to purchase another State farm for the cultivation of cotton and cane by convicts, without drawing on the treasury, and this policy should be pursued if suitable land can be procured at fair and reasonable prices. This course will provide necessary and profitable labor for convicts, tend to minimize competition between convict and free labor and accomplish the final abolition of the harsh and cruel lease system.

For the first term of my predecessor 120 pardons for felony were granted, and 383 for his second term. For my first term 340, not including 60 granted at one time from the Reformatory because the defendants were beyond the age authorized to be imprisoned there, and for the present term 410 pardons were granted. This increase is principally due in the case of each executive to the creation of the Board of Pardon Advisers in 1893, which makes it practicable to consider far more applications than formerly. The increase for the present term, as compared with the first, arises from the fact that the Board of Pardon Advisers is authorized to sit 300 days in the year, while formerly only 100 days were allowed.

PUBLIC EDUCATION AND EDUCATIONAL INSTITUTIONS.

It is a source of sincere gratification that the general diffusion of knowledge, which the Constitution declares is essential to the preservation of the rights and liberties of the people, has received that attention and made that advancement which its commanding importance deserves. When the present administration took office the number of children attending the public free schools was 693,752, the annual per capita apportionment was \$3.50, and the school term only

four months. Besides this there was a deficit in the available school fund amounting to \$547,690.50, and school warrants were at a discount. This deficit has been discharged, the schools are on a cash basis, and for the fiscal year ending August 31st, 1898, the cash balance to the credit of this fund was \$228,080.95. Notwithstanding the payment of this heavy deficiency and the fact that the scholastic population increased from 693,752 in 1894, to 776,000 in 1897-8, the per capita apportionment is now \$4.50 and the school term should reach six months. Suits instituted by me as Attorney-General, in 1894, against the Houston and Texas Central Railroad Company and the Galveston, Harrisburg and San Antonio Railroad Company for \$1,200,000 due the school fund on loans made under the act of 1856, have been ably and successfully prosecuted through all the courts of the State by the present Attorney-General, and are now pending in the Supreme Court of the United States. The State, it is believed, should finally gain the suits and if so, this large sum will be added to the school fund. Important laws were passed by the last Legislature to confine the expenditures of the school fund more strictly to school purposes and to prevent the padding of the scholastic census. Under the first it is estimated that there is a saving of \$50,000 per annum and under the second the scholastic census for the year ending August 31st, 1899, has been purged of much fraud and reduced sixty-seven thousand.

The State has provided a munificent and princely free school fund which now aggregates approximately \$45,000,000, consisting of cash, land notes, bonds and unsold land. Annually it expends exceeding three million dollars, more than all other expenditures combined, to support and maintain the schools. It is not only entitled to an efficient system but in the interest of the children, in the interest of enlightenment and growth, it should imperatively demand and exact it. Now good, it should be steadily and certainly improved and the grade and tone of the schools advanced and elevated. Manifestly the school term should be lengthened, particularly in the rural districts, where they are shorter, for want of local taxes, than in towns and cities. It is presumed the law under which one per cent. of the permanent fund is carried annually to the available fund will be repealed and thus the annual apportionment reduced about \$168,000. If so, and if local taxes are impracticable in these communities no question of greater pub-

lie utility will claim your attention than the expediency, in my judgment clear, of increasing the general school tax to twenty cents; for after all else is done, after all other energies are spent, the strength and grandeur of the State must rest upon education and intelligence.

Turning from the common schools it will be seen that the higher educational institutions have also made gratifying progress. The attendance of students at the Prairie View Normal School as compared with the preceding four years has been maintained, with substantial increase in appropriations and benefits. For the past two years an increased appropriation of \$25,000 was made and the number of students rose from 350 to 525 at the Sam Houston Normal Institute. Between 1894 and 1898 the scholarship students increased from 345 to 373. The number of students at the Agricultural and Mechanical College in 1894 was 313, and in 1898 it was 381. Valuable permanent improvements were made at this college the past year, consisting of residences for professors and a mess hall, at a cost of \$28,000. The University is advancing toward its ultimate place as the educational glory of the State. Here the student population, including the Medical Branch, grew from 539 in 1894 to 800 in 1898. The east wing of the main edifice has been constructed at an expenditure of \$50,000 and adds much to the structure. Better than this, better than additional students or material growth for the present, is the solid foundation upon which its character is building and the forces of culture and scholarship with which its faculty is generally being formed.

THE RAILROAD COMMISSION.

Since 1894, when the constitutionality of the law was established, the Railroad Commission has fully and practically sustained the wisdom of its creation. It is unnecessary to enter into details with reference to its work. It may be compressed into the general statement that reasonable rates were made on practically all commodities except lumber, the reduction in rates as compared with those in operation immediately preceding the organization of the Commission was not less than five million dollars for the four years, all issues of railway bonds within that time have been carefully scrutinized and limited according to law, nine thousand miles of railroad have been valued as an honest and equitable basis for rates, rebates have been publicly exposed and punished, home industries and gulf ports have been fostered and encouraged and unjust discrimination against per-

sons and places corrected and suspended. This has been accomplished with due regard to existing conditions and without injustice to railway companies or capital invested in these properties. As showing the just operation of the law four hundred miles of railroad have been constructed in the State the past four years despite great financial depression. Tonnage has increased 5,304,569, gross earnings \$6,915,366, and net earnings \$3,620,542. That this increase is not due to the building of new road is shown by the fact that while the percentage of increase of track mileage in 1898 over 1894 is only 4.22, the percentage of increase of tonnage for the same period is 39.93, gross earnings 20.19 and net earnings 50.37. It is the result, on the contrary, of increased production, some of which is attributable to the Commission in encouraging domestic manufactures and general production, suspension of rebates, comparative reduction of operating expenses and the stimulus given to the movement of commerce by the withdrawal of the prohibitive rates of the companies and application of more liberal and reasonable rates fixed by the Commission. So useful a public agency should have been permitted to exercise its legal and constitutional functions in this conservative form, but it was not to be. On December 1st, 1898, the United States circuit judge for this circuit, who in 1890 in political correspondence publicly denounced the Commission policy and whose decision in 1892 declaring the law unconstitutional was reversed by the Supreme Court of the United States, held in a preliminary hearing that all the rates established by the Commission and then in force were unreasonable and confiscatory. After the decision the Commission suspended its rates as to all companies not parties to the suits in which the decision was made. Because it is apprehensive that contrary action may in some manner be construed to injuriously affect the final hearing and appeal, the Commission has declined to promulgate any other rates, but will seek an early decision by the Supreme Court on those enjoined. It is impossible to say when that can be expected, yet certainly not within less than one year. In the meanwhile the decision has authorized the railway companies to establish exorbitant rates, which besides being generally hurtful and excessive are injuring and crippling State industries and ports. In an emphatic and conclusive manner the decision and subsequent action of the companies have strengthened the Commission and thoroughly established its efficiency and usefulness, and in this

sense are not unmix'd evils. Besides the irreparable and continuing injustice to industrial interests the decision is to be regretted because it is so utterly indefensible as to be inexplicable upon legal or equitable grounds. The true measure of a reasonable rate need not be discussed, for taking the highest and most definite standard yet laid down by any court and applying it to the Houston and Texas Central Railroad, which the circuit judge adopted as a test, the decision is wholly unwarrantable. This measure or standard is that announced by Mr. Justice Brewer of the Supreme Court of the United States that the rates should yield revenue sufficient to pay "operating expenses, interest on bonds and some dividend on stock." Under the tariffs enjoined the Central Railroad Company, during each of the past four years, according to its sworn reports to the Commission, earned operating expenses, taxes, interest on all of its bonds, and a surplus for the payment of dividends or such use as the company might see proper to apply it, as follows: 1894, \$221,064.92; 1895, \$797,400.75; 1896, \$136,409.78; 1897, \$83,561.17; and 1898, \$171,632.54. The general basis of rates laid down by the Supreme Court of the United States in the Nebraska case (*Smyth v. Ames*, 169 U. S., 547), which is the latest expression on the subject, is more liberal, especially when applied to this case, than the basis fixed by Mr. Justice Brewer referred to. We have therefore the singular spectacle of a Federal trial judge, before final hearing, without bond and in opposition to principles of law announced by the Supreme Court, enjoining the operations of a sovereign State in a matter of transcendent importance. This is done, besides, at the suit of bondholders, every dollar of whose interest has been regularly and promptly paid when due under the rates enjoined. The processes of equity are so slow and ponderous that an appeal from a final decree in this character of action leaves the State without adequate remedy, and consequently the act of Congress approved March 3, 1891, creating the Circuit Court of Appeals, should be so amended as to give the right of appeal direct to the Supreme Court from an interlocutory or temporary restraining order such as has been entered in these cases. Under that act where a temporary restraining order is granted in injunction cases appealable to the Circuit Court of Appeals, an appeal may be taken in thirty days, and for better reasons this right should be given in these more important actions. The amendment suggested would enable the Su-

preme Court to settle, without delay, all controversies between the Commission and railway companies and protect the public from arbitrary and despotic power.

It seems from this litigation and other indications that the contest over railway regulation by a commission, may be reopened. Certain it is that original enemies of the Commission who had passed in eclipse, are significantly reappearing and tendering aid and comfort in the new assault. The Legislature can render no greater service to the people and industries of the State, than to defeat promptly and decisively whatever measures may be presented intended to give larger scope and powers to railway corporations or which openly or covertly attack the Commission. The Commission, moreover, should be strengthened by providing it with ample funds to employ experts, divorcing our railways from foreign systems, authorizing emergency rates which may be made immediately effective, and in the interest of our ports requiring railway companies to receive freights for transportation from steamships and other water craft upon the same terms and conditions as from other shippers.

Associated with this general subject is the relative value of railway property when rendered for taxation and when considered as a basis for rates. The circuit judge practically held in these cases that the value of the property was at least equal to the aggregate of stock and bonds, upon which the companies insist they are entitled to predicate rates. The sum of stock and bonds of fifty railroads in the State with a trackage of 8964 miles, comprising substantially all our railroads, is \$369,623,186, and the total assessed value of the same property for taxation in 1897, was only \$68,733,445. This is a difference of over three hundred million dollars and is so aggravated and scandalous that gross injustice to the State is manifest, particularly if rates are to be based upon stock and bonds. The usual answer to this is the statement that all property in the State is undervalued for taxation. This is true, but if stock and bonds represent the real value, railway property is still grossly undervalued for taxation, for this is only about 18 per cent. of the stock and bond value, while all other property is rendered at from forty to sixty per cent. of its actual value. The valuation of this entire railway property as fixed by the Commission, as a basis for rates, is \$141,192,215. As the taxable value fixed by the companies is about one-half of this, corresponding with conditions in the case of all other property, the Commission

valuation appears more nearly to approximate the real value. The Commission valuation of the Houston and Texas Central Railroad is \$21,186 per mile, aggregating \$9,588,903.28. Upon this value the net per cent. earned by this company in 1895, 1896, 1897, and 1898, was 14.98, 10.63, 10.37, and 10.62, respectively, which exceeds the legal rate of interest and unquestionably meets the requirement of the Nebraska case.

OTHER DEPARTMENTS AND AGENCIES.

The public buildings and grounds have been diligently and most satisfactorily cared for, and increased vigilance has been exercised in the construction of new buildings. For the four years rentals of State property have increased \$3300, and total expenditures have been reduced more than \$20,000.

The Department of Public Health suffered irreparable loss by the death, on August 7th, 1898, of Dr. Richard M. Swearingen, State Health Officer. Upright, courteous, knightly, the State has never known a finer gentleman. As a soldier, the gray wrapped no gentler or braver spirit, and his place in medicine and hygiene was at the very front. His services to Texas under the system of quarantine which he devised and perfected, and which in my judgment should not be changed, were in the highest degree successful and distinguished. For the past few years the system has been severely tried, and although success is not always the test of merit, it is a high tribute to its effectiveness that, while prevalent in neighboring States, where different systems are employed, pestilences have been prevented here. Following the same plan his able and efficient successor has achieved the same satisfactory results in the prevention of epidemic diseases.

Attention is invited to the valuable and exhaustive report of the State Revenue Agent, which should not fail to influence remedial legislation. Among his recommendations which are deemed particularly expedient, are those in reference to the termination of the fiscal year, and the enormous amount of money and other personal property which escape taxation. The necessity for changing the termination of the fiscal year to June 30th, is so manifest that it should be done without hesitation or delay. It will enable auditing officers to check and balance accounts more satisfactorily, avoid the hiatus of four months in the payment of State warrants every two years, and greatly simplify all fiscal affairs. To do this it will be necessary, in view of the provision contained in Section 6, Article

VIII, of the Constitution, that appropriations shall not be made for a longer term than two years, to pass two appropriation bills. The first should run from February 28th, to June 30th, 1899, and the other, the general bill, for two years from June 30th, 1899. With reference to personal property not rendered for taxation, it is shown that \$35,000,000 in money in the State, deposited in national banks alone, was not assessed for taxes the present year, and doubtless somewhat similar conditions exist with regard to other personal property such as bonds, notes, and other securities. With a law authorizing and requiring assessors to call upon bank officials and demand under oath, the names of depositors and the amounts deposited, guarding against temporary withdrawals and other fraudulent devices, the greater part of this money should be assessed and made to pay its share of public expenditures. Personal property, other than money, could be assessed easily by the exercise of proper care and diligence on the part of assessors.

The Texas Rangers, under the direction of the Adjutant General, have rendered gallant and important service in the suppression of crime and the preservation of law and order. There is no braver and more effective constabulary force in the Union, and whatever may reasonably be done to provide for its wants and improve its condition is eminently deserving. The Volunteer Guard, directed by the Adjutant General, when called out to quell disturbances and prevent breaches of the peace, which happily has been rare, has also acted with promptness and courage. Its valor and patriotism were conspicuously shown under the first call of the President for troops in the war with Spain. This call was limited to volunteers from the Guard, and it should be a source of pride to all that with few exceptions our companies responded with enthusiasm, as did our people generally, when the Guard was exhausted, and when a second call was made. Four regiments of infantry and one of cavalry were organized from this State, and they challenge comparison with any in the volunteer service. These regiments were formed and equipped by the Adjutant General of the State practically without cost to us, and with unusual rapidity and skill. What the future policy of the national government will be, none may now say with certainty, but there are strong indications that a larger military force of some character is inevitable. To those of us who are opposed to a standing army dangerous in size, the Volunteer Guard presents the means of escape

from serious perplexities and perils and consequently it is wise to provide for its necessary military exercises, and in every judicious manner promote its efficiency.

GENERAL FINANCES.

When the present administration assumed control in January, 1895, the condition of the general revenue account, out of which all expenditures are paid except for the public free schools, was embarrassing. Four years ago, namely, on January 10th, 1895, there was for reasons often given no revenue on hand to pay the current expenses of government and registered and uncalled warrants were outstanding against the account amounting to \$674,664.70. The condition of this account has been remarkably improved. On January 10th, 1897, two years later, there was a cash balance of \$121,226.59, or a change of \$795,890.79. To-day, January 10th, 1899, the cash balance to the credit of this account is \$848,534.52, or a difference in four years of \$1,523,199.22. The Comptroller estimates that the deficit the past two years, which he shows resulted principally from failure to make needed appropriations and not increased expenditures, will amount to \$210,000, of which \$178,000 is for fees in examining trials and expenses of attached witnesses in felony cases. Subtracting this deficit of \$210,000 from the cash on hand all indebtedness incurred by this administration which has accrued will be paid and there will remain a cash balance of \$638,534.52, or a net difference in four years on this account amounting to \$1,313,199.22. This admirable result has been attained by forcing the collection of taxes, by increasing taxes and by reducing appropriations and expenses. The diligence with which taxes have been collected has already been shown and explained. The ad valorem rate of taxation for 1895 was 25 cents on the one hundred dollars, but for the past three years it was only 20 cents. Appropriations were reduced for the four years \$1,328,000, and the actual expenses for that period, ending the fiscal year August 31st, 1898, were as follows:

1895	\$2,329,414	56
1896	2,194,216	88
1897	2,221,135	34
1898	2,153,766	43

The total expenditures for the four fiscal years ending August 31st, 1898, as shown by warrants drawn on the general revenue, amount to \$8,898,531.21 against \$9,798,827.29 for the preceding four years, or a reduction of \$900,296.08. As the appropriation year ends February

28th, 1899, this reduction does not include what will be realized between that date and August 31st, 1897, and is weighted with the heavier appropriations of the preceding administrations between the end of the fiscal year August 31st, 1894, and the beginning of the appropriation year March 1st, 1895. If these be considered the actual reduction of expenses by this administration will exceed one million dollars.

Notwithstanding the payment of this deficit of \$674,664.70, and the increased needs of the State resulting from her growth, taking the total expenditures of this administration as they stand, without deducting amounts not fairly chargeable to current expenses, the largest for any one year is less than in 1882, 1892, 1893, or 1894, and the average of the other three years is less than in 1882, 1889, or any year from 1891 to 1894, inclusive. It is also to be borne in mind that while the rate of taxation was increased yet these results have been accomplished when for the past three years the total ad valorem rate of taxation for all purposes was lower than for any year from 1874 to 1881, inclusive, only half a cent. higher than for 1885, 1886, and 1887, and lower than in any other State of the Union. Not only have these reforms been effected on a moderate rate of taxation and without detriment to the public service but permanent additions to State institutions aggregating at least \$300,000 have been made.

Great credit is due the Comptroller of Public Accounts and the State Treasurer for the splendid financial condition of the State. Of sound judgment, large experience in fiscal affairs, and superior business capacity their counsel and co-operation have been indispensable and invaluable.

An account of the public moneys received and paid out by me the past two years, vouchers for which are filed with the Comptroller, is attached to this message.

III.

ESTIMATES OF NECESSARY REVENUE FOR SCHOOL AND GENERAL PURPOSES.

The public free schools are supported out of the available school fund, which is now made up annually from interest on bonds and land notes, land rentals, one-fourth of State occupation taxes, one per cent. transferred from the permanent school fund and ad valorem taxes at the rate of 18 cents on the one hundred dollars. For the fiscal year ending August 31st, 1898, the available fund amounted to \$3,167,702.55. For the year ending August 31st, 1899, it is estimated

to be \$3,230,365, upon which a per capita apportionment of \$4.50 per annum has been made and which, with local taxes, should operate the schools six months. In this sum, however, is included \$168,000 transferred from the permanent fund under the act approved April 12th, 1892. If, as is to be presumed, this act is repealed at this session, in response to the State Democratic platform, the available fund will be reduced annually after August 31st, 1899, by one per cent. of the permanent fund, and consequently, even though the other sources of the available fund are maintained at present estimates, the total will be materially reduced and the efficiency of the schools appreciably affected. For this reason and those heretofore given, it is submitted that the ad valorem rate of taxation for school purposes should be increased to 20 cents on the one hundred dollars, which is the limit fixed by the Constitution. The two cent additional ad valorem tax would about replace the amount transferred annually heretofore from the permanent fund.

The estimate of general expenditures for the two years ending February 28th, 1900 and 1901, respectively, submitted by the Comptroller in part on estimates of the different departments and institutions, is as follows:

First year.....	\$2,415,838 20
Second year.....	2,297,403 20
Total for two years....	\$4,713,241 40
To which should be added:	
Deficiencies	\$ 210,000 00
Estimated expenses of the Legislature	140,000 00
Total appropriations....	\$5,063,241 40

This does not include any appropriation under the amendment to the Constitution authorizing the granting of pensions to Confederate soldiers and sailors and their widows, limited to \$8.00 per month per capita, and the aggregate to \$250,000 per annum. If an act is passed at this session on this subject it will probably require \$125,000 the first and \$250,000 the second year.

It is estimated by the Comptroller that the total general revenue receipts for this period will amount to \$5,190,000, but in this is included about \$101,000 paid by the United States on the boundary indemnity, and \$57,000 paid by railway companies as penalties, which will not be available after the first year, and should be deducted, leaving total receipts \$5,032,000. It seems, therefore, under the requisitions made and with adequate provision for Confederate pen-

sions the estimates of expenditures and revenue are as follows:

First year	\$2,415,838 20
Pensions first year.....	125,000 00
Second year.....	2,297,403 20
Pensions second year.....	250,000 00
Deficiencies	210,000 00
Estimated expenses of the Legislature	140,000 00
Total expenditures.....	\$5,438,241 40

Total receipts from taxes two years.....	\$5,032,000 00
Cash balance August 31, 1898	680,988 64

Total available revenue. \$5,712,988 64

Balance revenue..... \$ 274,747 24

It thus appears that if all requisitions for appropriations are granted and suitable pension allowance is made, there will be a considerable revenue balance. But in addition to the necessity of having a cash balance of at least \$500,000 at the beginning of each year to maintain a cash basis, resulting from the fact that for seven months practically no taxes are collected, and the apparent need of additional asylum room, the appropriations asked for current expenses are too large. For the two years they amount to \$4,713,241.40, which is about \$200,000 more than was expended in 1895 and 1896, and \$340,000 greater than the total expenditures the past two years. It is true there is a deficit for the past two years of \$210,000, but deficiencies of this character are unavoidable and occur every two years, being about the same with each administration, and in comparing total expenditures may be disregarded. With reasonable increase of appropriations in departments and institutions where it is proper to allow them, the estimates are still susceptible of material if not radical reduction.

There is absolutely no occasion to increase ad valorem taxation for general purposes. On the other hand, if the pension amendment is not put in operation the rate of taxation for this purpose may be safely reduced to 18 cents. In my judgment, however, the best policy to pursue is to appropriate for Confederate pensions \$125,000 the first and \$250,000 the second year, provide for such additional asylum room as may be necessary, cut down the estimates and allow the ad valorem tax rate for general revenue to remain at 20 cents.

IV.

LAWS RECOMMENDED.

In preceding portions of this message

legislation has been urged in the discussion of various subjects, but there are other necessary and desirable laws to which your attention should be directed.

PLATFORM DEMANDS.

Foremost among these, because of your positive obligation to enact them, are the platform demands of the Democratic party. The consideration of these matters will properly be left to my successor, yet it is not deemed inappropriate to suggest that the people have come to believe in the sincerity of party pledges, and any impairment of this confidence would be unfortunate. The public faith which their decisive endorsement indicates should be respected and every promise of legislation fully redeemed.

RECOMMENDATIONS RENEWED.

Recommendations made to the 25th Legislature in reference to Johnson grass, the Department of Agriculture and investments by life insurance companies, are respectfully but earnestly renewed.

The injury to farming interests resulting from the growth and spread of this grass was fully stated in the regular message to the last Legislature. Subsequent inquiry and observation have confirmed the opinion then expressed, and, in my judgment, this damage is so general and alarming that prompt and vigorous measures are imperative.

On April 24th, 1897, a bill was disapproved which sought to repeal Article 2923, Revised Statutes, providing for the collection and publication of farm statistics, and in lieu thereof it was proposed in the message that adequate provision be made to promptly procure and publish the data contemplated by the statute. The Agricultural Bureau is the only one in the State government distinctively intended to benefit the farmers, who constitute a large majority of our population, and as they are entitled to a fair test of this system the Commissioner should be given the necessary funds to enforce the law. It is also submitted that as the financial condition of the State will now permit it, there should be added to this department a Labor Bureau, which should have in charge such matters as pertain to labor generally, and have for its purpose the collection and dissemination of useful information and the improvement of the condition of labor in this State. It is probably not feasible now to fully equip such a bureau, but beginning modestly it could be gradually enlarged and expanded until its needs were fairly and substantially met, and the interests of the working classes guarded and advanced.

Life insurance companies organized elsewhere and doing business in this State, should be required to invest annually a reasonable percentage of the premiums received from this State in property here. The amount of money which is being sent out of the State yearly to these and fire insurance companies in premiums, is already enormous and is rapidly increasing. From 1883 to 1897, inclusive, the excess of premiums over losses paid fire insurance companies in Texas was \$17,798,472, and the excess paid life insurance companies for the same period was \$23,059,880, aggregating, less inappreciable commissions paid agents, the extraordinary sum of \$40,858,352. This is an average of \$2,723,890 per annum, and clearly shows one of the means by which the resources of the State are being depleted. The State of New York, where most of these companies were organized or are domiciled, forbids the investment in any other State of more than one-half of the annual premium receipts of life insurance companies, which indirectly requires the investment of one-half of the receipts in that State. The Legislation of that State on other subjects has been of a similar character, and unquestionably this has been a factor in its becoming the money center of the Union. It is therefore preposterous to charge, as do officers and agents of these companies, that such legislation here would be unfriendly to, or would repel capital from the State. Besides tending to arrest the unconscionable extravagance of these companies, the princely salaries and allowances of whose officers approach the exactions and extortions of royalty, it would husband the resources of the State and devote them to our own progress and development.

OFFICIAL BONDS.

Neither the Secretary of State nor the Commissioner of Agriculture, Insurance, Statistics and History is required to enter into bond for the faithful discharge of duty or as the custodian of public funds. This is doubtless due to the fact that originally they were not authorized to collect any part of the revenue. Gradually the duties and powers of these officials have been enlarged, until now they are charged with the collection of many thousand dollars annually. For 1895, the Secretary of State collected \$55,000, while for 1898, the amount increased to \$110,000. For 1894, the Commissioner of Insurance collected \$75,000, and for 1898, \$115,000. In view of this it seems proper that each of these officials should be required to furnish bond in the sum

of at least \$25,000, with three or more good and sufficient sureties.

FORMATION OF EDUCATIONAL AND CHARITABLE BOARDS.

The educational and charitable institutions are directed by boards of regents, managers or trustees. The Board of Regents of the University is composed of eight members whose term is eight years. The terms of two of them expire every two years and at each regular session of the Legislature. The Board of Trustees of the Agricultural and Mechanical College, under a recent opinion of the Attorney-General, is composed of six members whose term is two years. The respective Boards of Managers of the two Deaf and Dumb Asylums, the Blind Institute, and the three Insane Asylums, are composed of five members each, with a term of two years, and the Board of Trustees of the Orphans Home is composed of three members whose term is two years. These institutions are purely educational or benevolent. They are not charged with the execution of any governmental measures, and consequently it is not material, upon grounds of civic theory, that they should be in political accord with any State administration. For still stronger reasons it is not essential to the success of any administrative policy that they should be in personal agreement with the central government. Considered solely from the narrow and political view that each administration is entitled to accord and agreement from these institutions, in order to give its policies fair trial, it seems plain that under normal conditions this is neither vital nor indispensable. In the broader and more impersonal sense of non-partisanship in education and charity, the question is not debatable. It is unnecessary to review causes and conditions under which in some degree a contrary policy has grown up. It is enough to say, assuming my share of responsibility for the situation, that it is better for these institutions, now in their formative and evolutionary stage, that they be entirely divorced from personal and partisan politics. This is the situation already with the University, and the other institutions named should be organized similarly. Each of the Boards should consist of eight members, to be appointed by the Governor with the advice and consent of the Senate. They should be divided into classes numbered one, two, three and four, as determined by each Board at the first meeting, to hold for two, four, six and eight years respectively, so that two will be thereafter appointed every two years, and the term of each to be eight years. If the

members of the Boards are paid actual expenses only, receiving no salary or compensation, they will not be officers within the meaning of Section 30, Article XVI, of the Constitution, which limits the tenure to two years. By organizing the Boards in this manner, three important objects will be attained, (1) they will be independent and therefore removed from personal politics, (2) a majority of experienced members will always be on the Boards and (3) it will conduce to stability and fixed policies in the management of the institutions.

THE PUBLIC DEBT.

The total bonded debt of the State now outstanding is \$3,992,030, of which the permanent school fund, the University and other special funds hold \$3,254,040, and \$737,990 is held by individuals. These bonds were issued under various acts of the Legislature, to-wit: August 5th, 1870, March 4th, 1874, July 6th 1876, April 21st, 1879, April 5th, 1889, and May 2nd, 1893. With the exception of the issue of \$201,000 in 1889, and the two issues of \$486,500 in 1893, each of which took up other bonds and are payable in lawful money, all the bonds outstanding aggregating \$3,304,530, are payable in gold coin. All the bonds held by individuals are payable in gold coin. Of the whole bonds outstanding \$337,130 bear 4 per cent. interest, \$1,421,900 bear 5 per cent. \$1,647,000 bear 6 per cent., and \$586,000 bear 7 per cent. Bonds to the amount of \$2630 issued in 1879, are due in 1899, and provision should be made at this session to retire and cancel them. The issue of \$298,000 in 1870, maturing in 40 years, is now payable at the option of the State, the issue of \$201,000 in 1889, maturing in 30 years, is also now payable at the option of the State, the issue of \$152,000, in 1893, has been payable at any time, and the issue of \$334,500, maturing in 40 years, may be paid March 1st, 1899, under a five year option. All of the bonds just above mentioned are held by the University and other special funds and if they should be paid off and cancelled the funds invested in them would probably remain idle, and additional taxation be rendered necessary to supply the lost interest to support the several institutions. It is consequently doubtful if anything would be gained, either by liquidating these bonds or funding them at a lower rate of interest. Of the bonds which mature at a comparatively early date, besides those due in 1899 and those optional just mentioned, \$288,000 mature in 1904, and \$73,000 of these are held by individuals; \$1,647,000

mature in 1906, and all are held by the special funds; and \$1,068,900 mature in 1909, of which \$663,200 are held by individuals. Most, if not all, of the laws under which these bonds were issued, provide for the collection of a sinking fund to pay them at maturity, but this has never been done. Recognizing that the \$737,990 held by individuals would be a splendid investment for the school fund, unusual and repeated efforts to purchase them the past two years were made, but they proved fruitless. As these bonds mature they can, where held by the special funds, be easily refunded, and if necessary at a lower rate of interest, but this may not be so as to those held elsewhere. Those held by individuals which mature in 1904, amounting to \$73,000, payable in gold bearing 7 per cent. interest, can doubtless be retired without embarrassment, as the amount is small. Those maturing in 1909, held by individuals, amounting to \$663,200, may possibly present at maturity greater difficulty. Beyond doubt they could be promptly refunded, but besides being payable in gold they bear 5 per cent. interest, while lawful money 3 per cent. bonds of Texas would then be sought by this character of bondholders if we were not confronted with a promise to pay in gold such a sum as would be inconvenient if not impossible to obtain, except at a premium. It is therefore recommended that an act be passed at this session authorizing the Governor to fund the outstanding bonds held by individuals amounting to \$737,990 into forty year 3 per cent. lawful money bonds. Necessarily these bonds cannot be retired in this manner and at this time without the consent of the holders, yet as this plan would extend the investment for about thirty years at a moderate though lower rate of interest, it is probable this adjustment could be made. If after a reasonable time it is demonstrated that no such arrangement is feasible, the Legislature should, by the levy of a small tax or setting apart of a portion of the general revenue annually as a sinking fund, prepare to pay the bonds so that when they mature the State may not be forced to issue high rate gold bonds, or instead suffer her credit questioned and impaired.

INVESTMENT OF THE PERMANENT SCHOOL FUND.

The Constitution provides that the permanent school fund shall be invested by the Comptroller under the direction of the Board of Education, in the bonds of the United States, the State of Texas, or counties in said State, or in such

other securities and under such restrictions as may be prescribed by law. So far the Legislature has not authorized the investment in any other securities than those named in the Constitution.

On December 31st, 1898, when the former State Treasurer retired from office, the total United States, State of Texas, and county bonds invested in this fund was \$6,855,801.55, and there was a cash balance uninvested, amounting to \$1,213,342.87. How rapidly this cash balance has increased recently will appear from the fact that in October 1895, it amounted to \$238,000, and on August 31st, 1897, it was only \$367,861.07, notwithstanding about \$168,000 of it has been annually transferred to the available fund. The principal sources of this increase are the payment of \$127,000 by the Texas and Pacific Railway Company, borrowed under the act of 1856, cash receipts from sale of school land, \$358,000, and net redemption and refunding of county bonds, \$344,000. Unless some remedy is provided this accumulation will measurably continue, for school land will be sold, counties will redeem and fund their bonds in order to reduce the rate of interest, and no part of it will hereafter be transferred to the available fund. It is not improbable, also, that \$1,200,000 will be recovered from the Houston and Texas Central Railway Company and the Galveston, Harrisburg and San Antonio Railway Company in the suits pending in the Supreme Court of the United States.

An earnest effort was made by me, at the special session in 1895, and again at the regular session in 1897, to provide relief, but the Legislature declined to act. The necessity for effective measures is now so plain and imperative that public interests will not tolerate further delay. It has already been shown that it is useless to expect relief from the purchase of State bonds, and bonds of the United States are at such premium, if procurable at all, that it is equally futile to rely upon them. In the purchase of United States and State bonds, the Board of Education is not restricted to any particular rate of interest, but in purchasing county bonds it is required to secure them at par, bearing not less than five per cent. interest per annum. As a consequence, and because it could pay a premium if necessary, private capital seeking investment here has far outstripped the school fund in the purchase of county bonds. More than three hundred thousand dollars of county bonds, held by the school fund, were redeemed in 1898, for refunding and sale to private investors at a small premium above five

per cent., which the Board could not meet in view of the law, and \$1,203,812 of such bonds were issued that year, which the Board, for the same reason, was unable to purchase. It is obvious that the restriction upon the Board as to county bonds must at least be modified if any considerable number is hereafter obtained, and in my judgment, after mature reflection and four years experience, it should, as in the case of State and United States bonds, be removed altogether. No reason is perceived, if that be the philosophy of the law, why confidence in the integrity and wisdom of the Board should be reposed when negotiating for State and national securities and denied when dealing with county securities, nor, if it is merely a question of interest and safety, why counties in this State, whose bonds are practically secure, should be required to pay 5 per cent. interest for this fund and allow the purchase of State bonds at 4 per cent., and United States bonds at 3 per cent. Besides this the rate of interest is tending downward, and it is impracticable to gauge accurately the commercial or bond rate for the future. This will be affected and governed by business and trade conditions impossible to be foreseen in legislation. It is apparent, also, that to fix a limit, no matter what it may be, will prevent the Board from purchasing any bonds desired by others, for they would know what the Board could do and thus have decided advantage in negotiations. Left free to act upon its judgment and discretion, the Board would not only purchase far more bonds, but more desirable ones and upon better terms than if arbitrary prices were fixed by law. Some counties are now refunding bonds at 4 and some at 4½ per cent., and unless prompt action is taken there is danger of the cash balance being greatly increased by counties taking up bonds held by the school fund and issuing new bonds at a lower rate of interest than 5 and 6 per cent. With such a statute as that suggested, it may be that the entire permanent school fund on hand, and which may accumulate, can be invested in county bonds. If the Legislature should make no change in the existing law on the subject, or if with a change it is believed the fund cannot be fully invested in county bonds, it is imperative to provide for its investment in securities other than those named in the Constitution. Those most generally considered, are bonds of other States, railway bonds and bonds of cities in Texas. Two objections readily suggest themselves to bonds of other States, namely, that States may not be sued and payment of bonds en-

forced, should default be made, and that such investment would send the money out of the State. It is quite probable no State will repudiate her bonds, but this has occurred and possibly may do so again. The other objection to the purchase of bonds of other States seems entitled to much weight, because it is generally a wise policy to encourage investments in the State and thus keep capital here. The investment of the school fund in railway bonds, under the act of 1856, a full history of which will be found in the report of the Comptroller, has been in the main satisfactory, but until the railroad problem is settled, the expediency of resuming that policy cannot be fairly determined. Under existing conditions for the school fund to be invested in such bonds, particularly where many of those issued prior to the passage of the stock and bond law are believed to have been issued in excess of the constitutional limit, might put the State in an attitude of apparent antagonism to the establishment of freight rates upon the basis of industrial interests and present value of railroad property. Where the bonds of cities in this State have been regularly and justly issued and duly approved by the Attorney-General, although the issuance of bonds by cities and counties should rather be discouraged, it appears reasonable that the investment would be as satisfactory and safe as with county bonds.

CONFEDERATE PENSIONS.

At a special election held on the first day of November, 1898, an amendment to Section 51, Article 3, of the Constitution was adopted, authorizing the Legislature to grant aid to certain Confederate soldiers and sailors and their widows.

The persons entitled to its benefits are, (1) indigent and disabled Confederate soldiers and sailors who came to Texas prior to January 1st, 1880, and who are either over sixty years of age, or whose disability is the proximate result of actual service in the Confederate army for a period of at least three months, and (2) their widows in indigent circumstances who have never remarried, and who have been *bona fide* residents of the State of Texas since March 1st, 1880, and who were married to such soldiers or sailors anterior to March 1st, 1866. Analyzed, these provisions mean that the soldiers or sailors, (1) must be indigent and disabled; (2) they must have resided in Texas continuously since January 1st, 1880; (3) they must be over sixty years of age, or (4) if not over sixty years of age the disability entitling them to aid must be the proximate

result of actual service in the Confederate army for a period of at least three months; and that the widows, (1) must be in indigent circumstances; (2) must never have remarried; (3) must have been *bona fide* residents of this State continuously since March 1st, 1880, and (4) must have married such soldiers or sailors prior to March 1, 1866.

The terms "indigent and disabled," and "indigent circumstances," which present the embarrassing features of this section of the amendment, would, in the absence of a well established legal meaning, probably be held by the courts to have been employed in their usual and common acceptance at the time the amendment was adopted, and the Legislature may not add to or take from this signification. In the act pensioning soldiers and sailors of the Texas revolution (Revised Statutes, Art. 3753), indigent is defined as that which "shall not allow the ownership of property to exceed one thousand dollars," which is probably more liberal than the popular meaning of the term. The revolutionary soldier and sailor to receive a pension must be indigent, as that word is defined in the statute, but the Confederate soldier and sailor must be both indigent and disabled within the meaning of the constitutional amendment. Whether the words "indigent and disabled" have a well known and established legal signification in this State may admit of some question, but it is probable they have. By an amendment to the Constitution adopted December 22, 1894, the Legislature was authorized to establish a home for "indigent and disabled Confederate soldiers or sailors." This amendment was put into operation by the act approved April 12th, 1895, and one of the requirements to be admitted to the home is that besides being disabled physically the applicant must be "unable to provide a support for himself." Whatever may have been the authority of the Legislature to thus define indigent, it is not improbable that the framers of the amendment under consideration had this definition in mind. In this view indigent, as applied to soldiers and sailors and their widows, signifies inability to provide a support for themselves. The amendment also declares that the aid per capita shall not exceed eight dollars per month, and that no appropriation for the purpose shall exceed \$250,000 for any one year. Considered together and with reference to right and justice, these provisions contemplate and imply not that those whose applications are first approved should be allowed eight dollars per month or any other

amount, for that might prove to be a discrimination where persons were equally deserving, but that the Legislature should determine in the most definite manner attainable the number of persons entitled to aid under the amendment or who will probably make application therefor, and base the appropriation upon it. If the number of persons is such, for instance, that at the rate of eight dollars per month all could not be aided with an annual appropriation of \$250,000, the per capita should be reduced and placed at such sum that each of those entitled would receive the same amount. Whatever sum is annually appropriated should be equally distributed among those whose applications are approved. This must have been the intention of the people, for it is the only way to prevent favoritism and unjust discrimination. The difficult problem is to approximate the number of beneficiaries, or at least those who may probably avail themselves of the law. Some assistance can be derived from the experience of other States. The States of Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia pension Confederate soldiers, and the States of Arkansas, Louisiana, Maryland, North Carolina, Tennessee, Texas and Virginia maintain Confederate Homes. The pension laws of the States as to beneficiaries are in general the same as the amendment to our Constitution. Of the States which grant Confederate pensions, for the year 1897, the number in Alabama was 7105, Arkansas 1336, Florida 600, South Carolina 4714, Tennessee 537, Virginia 3541, and in 1898 in Georgia 10,390. The amount expended in these States for this purpose was, in 1897, Alabama \$116,532, Arkansas \$35,000, Florida \$65,000, South Carolina \$100,000, Tennessee \$59,940, Virginia \$110,800, and Georgia, in 1898, \$609,520. Mississippi expended \$75,000, and North Carolina \$105,000 for 1897, but the number of pensions in these States is not accessible. The population of Georgia now estimated to be 2,175,000 is nearer that of Texas, estimated to be 3,250,000, than any of these States. If the Confederate soldiers in Texas who would apply for and receive pensions under this amendment bear the same proportion to the total population as they do in Georgia, the number of pensions here would be 15,526, and with the limit fixed at \$250,000 per annum they would each receive \$1.33 per month. If there were no limit to the annual appropriation and each person were paid eight dollars per month, the cost of pensions here on a basis of 15,526 would be \$1,490,496

per annum. On a basis of the number of pensions in Virginia, South Carolina, Alabama or Georgia, at eight dollars per month, the cost here would be \$339,936, \$452,544, \$682,080, or \$997,446, respectively. Under this amendment, if we have as many pensions as Virginia, the allowance per capita will be \$70 per annum, if as many as South Carolina, \$53; if as many as Alabama, \$35; and if as many as Georgia, \$24. If the sum of eight dollars per month is allowed each person, only 2604 pensions can be granted with an appropriation of \$250,000, which would be less than in either of these four States.

In some States the Governor passes upon all applications for pensions, but in view of the probable labor involved, it might be well to create a Pension Board, composed of the Governor, Comptroller and Attorney-General, by which all applications should be considered and determined. To expedite consideration of claims and to guard against fraud and imposture, the requisites of applications and the character, scope and amount of testimony required, should be fully prescribed by statute. As a protection to beneficiaries and to make reasonably certain the generosity of the State, the pensions should be exempt from garnishment and all other legal process.

CONCLUSION.

It would neither be just nor in accord with my feelings, to close this message without special acknowledgment of the services rendered the State by those with whom my official duties have thrown me. It is well known that many of the important measures which have been reviewed originated with legislators, and their advice and co-operation were valuable and indispensable in the passage of all laws. Equally creditable and meritorious has been the conduct of my associates charged with executive and administrative functions. The chiefs of departments and managers of State institutions have discharged their duties efficiently and faithfully, not infrequently with marked ability, and their share in results is honorable and distinguished. In contemplating the work accomplished, the satisfaction to me comes from the consciousness of having followed resolutely the spirit of my first inaugural address, to preserve the honor of my State untarnished and contribute something to the happiness and prosperity of her toiling thousands.

C. A. CULBERSON.

APPENDIX.

Statement of money paid from funds subject to the Governor's orders, with vouchers, from January 15, 1897, to and including January 9, 1899.

For salary of Governor	\$ 8,000 00
For salary of Secretary	3,396 24
For salary of Stenographer .	2,166 60
For salary of Porter	725 00
For salary of Revenue Agent	3,430 00
For expenses of Revenue Agent	605 21
For payment of rewards, etc. ¹	11,726 43
For books and stationery.....	438 45
For freight, postage, etc..... ²	1,194 18
For ice	34 74
For office furniture	10 00
For salary of Pardon Advisers	4,474 00
For contingent expenses	179 65
For furniture and repairs Gov-	
ernor's Mansion.....	1,800 68
For gardener, labor, etc..... ³	1,687 50
For water and ice.....	227 73
For fuel and lights.....	590 35
For contingent expenses.....	5 05

¹ About \$3000 of this was for repairing San Antonio Asylum, quarantine matters, aiding Railroad Commission with experts, etc.

² A large part of this was for telegraphing made necessary by the war with Spain.

³ About \$550 of this was for 1896, though not drawn until 1897.

(Lieutenant-Governor Jester in the chair.)

On motion of Senator Turney the Senate adjourned to 3 p. m. today.

AFTERNOON SESSION.

Senate met pursuant to adjournment. Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Davidson.	Linn.
Dibrell.	Lloyd.
Goss.	McGee.
Gough.	Miller.
Grinnan.	Morriss.
Hanger.	Neal.
James.	Potter.
Johnson.	Ross.
Kerr.	Sebastian.
Lewis.	Stafford.

Terrell.
Turney.
Wayland.

Yantis.
Yett.

Absent.

Atlee.
Burns.
Greer.

Patterson.
Stone.

Absent—Excused.

Odell.

EXECUTIVE MESSAGE.

The following message was received from the Governor:

EXECUTIVE OFFICE,
Austin, January 12th, 1899.

To the Senate.

The advice and consent of the Senate is respectfully asked to the following appointments made during the recess of the Senate:

E. D. Cavin, of Galveston county, judge of the Criminal District Court of Galveston and Harris counties.

Wells Thompson, of Matagorda county, judge of the 23rd Judicial District.

Other appointments were made during the recess, but as none of them hold beyond my term it is not deemed necessary under Section 12, Article 4, of the Constitution, to nominate them.

C. A. CULBERSON.

RESOLUTION OF RESPECT.

By Senators Burns and Terrell:

Whereas, Since the adjournment of the Twenty-fifth Senate we have been called upon to mourn the death of Rev. F. S. Jackson, Chaplain; W. L. Lambert, Secretary, and Antonio D. Flores, Clerk of Judiciary Committee No. 1, we, therefore, deem it proper to express the regret of this body upon the death of our friends. To their immediate families we convey this message of personal loss sustained in the life-ending of these warm-hearted and generous men—contact with whom added sunshine to the lives of their fellowmen.

Unanimously adopted by a rising vote.

On motion of Senator Dibrell the Senate took a recess of 10 minutes.

AFTER RECESS.

The Chair announced the following standing committees formulated by Lieutenant-Governor Browning:

STANDING COMMITTEES OF THE SENATE.

JUDICIARY NO. 1.

Atlee, Chairman; Dibrell, Burns, Odell, Patterson, Potter, Stafford, Linn, Lewis.

JUDICIARY NO. 2.

Yantis, Chairman; Terrell, Davidson, Greer, Neal, James, Grinnan, Miller, Ross.

CONSTITUTIONAL AMENDMENTS.

Patterson, Chairman; Burns, Stafford, Grinnan, Gough, Sebastian, Dibrell, Lewis, Odell.

EDUCATIONAL AFFAIRS.

Goss, Chairman; Patterson, Stone, Grinnan, Linn, Hanger, Terrell, Potter, Morriss.

INTERNAL IMPROVEMENTS.

Stafford, Chairman; Dibrell, Wayland, Hanger, Gough, Neal, Greer, Morriss, Odell.

FINANCE.

Dibrell, Chairman; Wayland, Stone, Turney, Kerr, Morriss, Gough, Yett, Patterson.

PUBLIC LANDS AND LAND OFFICE.

Potter, Chairman; Yantis, James, Gough, Sebastian, Turney, Neal, Terrell, Goss.

STATE PENITENTIARIES.

Stone, Chairman; Lloyd, Davidson, Wayland, Yett, Morriss, Kerr, Neal, Lewis.

PUBLIC HEALTH.

Yett, Chairman; Linn, Miller, Ross, Davidson, Turney, Hanger.

MILITARY AFFAIRS.

Hanger, Chairman; Terrell, McGee, Lewis, Miller, Burns, Stafford.

STATE AFFAIRS.

Gough, Chairman; Odell, Stone, Kerr, Davidson, Wayland, Terrell, McGee, Stafford.

COMMERCE AND MANUFACTURES.

Linn, Chairman; McGee, Greer, Ross, Miller, Burns, Lewis, Hanger, Yantis.

PUBLIC ROADS, BRIDGES AND FERRIES.

Odell, Chairman; Stafford, Yantis, Terrell, Dibrell, Linn, Johnson.

PUBLIC DEBTS, CLAIMS AND ACCOUNTS.

Neal, Chairman; Kerr, Lloyd, Stone, Odell.

CONTINGENT EXPENSES.

Kerr, Chairman; Hanger, Patterson, Morriss, Wayland.

FEDERAL RELATIONS.

Ross, Chairman; Greer, Turney, McGee, Lewis, Burns, Hanger.

COUNTIES AND COUNTY BOUNDARIES.

Terrell, Chairman; Johnson, Stone,

Wayland. Lloyd, Goss, McGee, Yett, Sebastian.

PUBLIC PRINTING.

Lloyd, Chairman; Stone, Miller, Grinnan, Neal.

JUDICIAL DISTRICTS.

Davidson, Chairman; Miller, Grinnan, Potter, Stafford, Ross, Linn, Goss, Dibrell.

STATE ASYLUMS.

Morriss, Chairman; James, Sebastian, Lewis, Stone, Ross, Yett, Gough, Johnson.

STOCK AND STOCK-RAISING.

Turney, Chairman; Atlee, Potter, Wayland, Sebastian, Goss, Hanger.

AGRICULTURAL AFFAIRS.

Wayland, Chairman; Yett, Lloyd, Ross, James, Gough, Patterson.

TREASURER'S AND COMPTROLLER'S DE-

PARTMENTS.

Burns, Chairman; Sebastian, Dibrell, Patterson, Terrell.

PRIVILEGES AND ELECTIONS.

Sebastian, Chairman; Linn, Potter, Turney, Yantis, McGee, Grinnan.

PUBLIC BUILDINGS AND GROUNDS.

Johnson, Chairman; Yett, Patterson, Wayland, Linn, Lloyd, Stone.

RULES.

Gough, Chairman; Lewis, Dibrell, Goss, Potter.

ENGROSSED BILLS.

James, Chairman; Davidson, Morriss.

ENROLLED BILLS.

Grinnan, Chairman; Greer, Johnson, Burns, Neal.

INSURANCE, STATISTICS AND HISTORY.

McGee, Chairman; Neal, Atlee, Odell, Davidson, Goss, Yantis.

TOWNS AND CITY CORPORATIONS.

Miller, Chairman; Atlee, Hanger, Ross, James, Burns, Stafford, Dibrell, Greer.

MINING AND IRRIGATION.

Greer, Chairman; Yett, Davidson, Atlee, Turney, Lloyd, Johnson.

LABOR.

Lewis, Chairman; Johnson, Linn, Sebastian, Kerr, Yantis, McGee.

Bills and Resolutions being in order, the following were introduced:

BILLS AND RESOLUTIONS.

By Senator Goss:

Senate Joint Resolution No. 1, "Providing for a Convention to frame a Constitution for the State of Texas."

Read first time, and referred to Committee on Constitutional Amendments.

By Senator Potter:

Senate Bill No. 1, A bill to be entitled "An Act to amend Article 4497 of the Revised Civil Statutes of Texas, relating to furnishing cars for shipment of freight."

Read first time, and referred to Committee on Internal Improvements.

By Senator Miller:

Senate bill No. 2, A bill to be entitled "An Act to provide for the creation of local Premium Mutual Life Insurance Companies in this State, and for the regulation thereof."

Read first time and referred to Judiciary Committee No. 1.

By Senator Miller:

Senate bill No. 3, A bill to be entitled "An Act to provide for the sale of real estate under mortgage, deed of trust, execution, or other lien, and to provide for the right of redemption of real estate within two years from date of sale when sold under execution, mortgage, deed of trust, or other lien, and to repeal all laws in conflict herewith."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Miller:

Senate bill No. 4, A bill to be entitled "An Act to amend Title III, Chapter 1, of the Criminal Code of Texas, by adding Articles 79, 80, 81, 82, 83, 84, 85, 86 and 87, and repealing Chapters 2, 3 and 4 of said title; to make accessories and accessories principal offenders."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Morriss:

Senate bill No. 5, A bill to be entitled "An Act to amend Chapter 4, Title VII, of the Code of Criminal Procedure of the State of Texas, by adding thereto Article 5256, providing for the issuance of process for witnesses residing in the county before the meeting of the District Court, to testify before the grand jury."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Dibrell:

Senate bill No. 6, A bill to be entitled "An Act to appropriate one hundred and ten thousand dollars to pay members' mileage and per diem, and officers' and employees' per diem of the Twenty-sixth Legislature."

Read first time, and referred to Committee on Finance.

By Senator Wayland:

Senate bill No. 7, A bill to be entitled "An Act to make an appropriation to defray the contingent expenses of the Twenty-sixth Legislature."

Read first time, and referred to Committee on Finance.

By Senator Lewis:

Senate bill No. 8, A bill to be entitled "An Act to amend Article 1333 of the Revised Civil Statutes of Texas, relating to the submission of special issues to the jury."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Lewis:

Senate bill No. 9, A bill to be entitled "An Act to provide for the appointment, by the court, of attorneys to represent absent defendants when cited by publications."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Sebastian:

Senate bill No. 10, A bill to be entitled "An Act to provide for the location and building, at Abilene, Texas, an asylum for the treatment of the epileptic insane of the State of Texas, and to make an appropriation therefor."

Read first time, and referred to Committee on Asylums.

By Senator Ross:

Senate bill No. 11, A bill to be entitled "An Act to provide for the right of redemption of real estate within one year from date of sale when sold under execution, mortgage, or other lien."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Ross:

Senate bill No. 12, A bill to be entitled "An Act in relation to the taking of depositions of the Commissioner of the Land Office."

Read first time, and referred to Committee on Lands and Land Office.

By Senator Sebastian:

Senate bill No. 13, A bill to be entitled "An Act to amend Article 490, Title XV, Chapter 1, Penal Code of the State of Texas, by adding thereto subdivisions 7 and 8, and to repeal a portion of Article 492, Title XV, of the Penal Code."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Terrell:

Senate bill No. 14, A bill to be entitled "An Act to amend subdivisions 1 and 2, Article 1093, Title XV, Chapter 2, of the Code of Criminal Procedure of the State of Texas, relating to attached witnesses."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Lewis:

Senate bill No. 15, A bill to be entitled "An Act to establish a State Board of Embalming, to provide for the better protection of health and life, to prevent the spread of contagious diseases, and to regulate the practice of embalming and the care of and disposition of the dead."

Read first time, and referred to Committee on Public Health.

By Senator Morriss (by request):

Senate bill No. 16, A bill to be entitled "An Act to amend Articles 3763, 3764, 3765, 3766, 3767, 3768 and 3770, Title LXXXI, of the Revised Civil Statutes of the State of Texas, and to add thereto Articles 3776a and 3776b, providing penalties for the breach of said title regulating the practice of pharmacy within the State of Texas."

Read first time, and referred to Committee on Public Health.

Senator Ross moved that at the close of to-morrow morning's session the Senate go into executive session to consider the Governor's appointments.

Carried.

On motion of Senator Wayland, the Senate adjourned to 10 a. m. to-morrow.

FOURTH DAY.

Senate Chamber,

Austin, Tex., Friday, Jan. 13, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Burns.	Patterson.
Lewis.	Stone.

Absent—Excused.

Odell.

Prayer by the Chaplain, Rev. Dr. Denison.